Statement of

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ON
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Mr. Chairman, distinguished members of the Committee, good morning. My name is David Pittle, and I am Senior Vice-President for Technical Policy at Consumers Union (CU), the publisher of *Consumer Reports*. We appreciate the opportunity to testify at this hearing to discuss the safety risks of sport utility vehicles. With me are David Champion, Director of Consumers Union's 327-acre Auto Test Center in Connecticut, and Sally Greenberg, CU's Senior Product Safety Counsel here in Washington.

Each year, CU conducts comprehensive tests of some 40 to 50 new vehicles, which we buy anonymously at retail. We provide consumers with objective comparative ratings about performance, routine handling, fuel efficiency, comfort, braking, emergency handling, and safety features of these vehicles. We don't take outside advertising. Our

[1] Consumers Union is a nonprofit membership organization chartered in 1936 under the laws of the state of New York to provide consumers with information, education and counsel about good, services, health and personal finance, and to initiate and cooperate with individual and group efforts to maintain and enhance the quality of life for consumers. Consumers Union's income is solely derived from the sale of Consumer Reports, its other publications and from noncommercial contributions, grants and fees. In addition to reports on Consumers Union's own product testing, Consumer Reports with more than 4 million paid circulation, regularly, carries articles on health, product safety, marketplace economics and legislative, judicial and regulatory actions which affect consumer welfare. Consumers Union's publications carry no advertising and receive no commercial support.

only interest is to provide consumers with unbiased test information. Each month, an estimated 17 million consumers read and consider our published test reports, including product ratings and buying advice, as they ponder their choices.

Since our inception in 1936, auto safety has been an overriding concern for CU. For more than a decade now, surveys have shown that auto safety has become a top priority for the car-buying public as well. We have learned from more than six decades of conducting unbiased laboratory and consumer use tests that, generally speaking, competing products that look alike do not always act alike. This principle holds true for motor vehicles.

Undisputedly, auto safety is a matter of high national importance, affecting, as it does, virtually everyone in the country, both in their personal and work lives. The American consumer relies on the National Highway Traffic Safety Administration (NHTSA) to set adequate safety standards where necessary and to insure that automotive products offered for sale meet those safety standards. If a product is found to be unsafe, it must be recalled promptly and effectively. As charged by Congress, NHTSA has the unique authority and the clear mandate to protect the public from unreasonable automotive hazards—hazards often not seen, not measured, and not understood by the average consumer. In short, NHTSA is the only entity empowered by federal law that can block unsafe vehicles from the marketplace. Ideally, as a safety agency, its only client should be the consumer. As I will discuss, for too long it has not acted assertively to fulfill this role.

With the committee's help, this can change. Consumers need Congress to insure that NHTSA has the authority and the resources it needs to protect the public in a timely

manner from unreasonable risks. Congressional oversight must also insure that the agency is properly fulfilling its public safety mandate. Congress needs to insulate the agency from inappropriate industry pressures so that important safety regulations are not derailed whenever the industry voices objections.

Auto safety is not a political issue. When someone is injured or killed in a motor vehicle, the pain and grief felt by those consumers and their families is the same regardless of which party is in power or who occupies the White House. Whenever a pattern of unreasonable or preventable injuries occurs, NHTSA must be able to act quickly and decisively—based on the merits of its approach to reducing risks, not on politics or industry pressure.

That is why we are here today. We believe that the pattern of injuries and deaths associated with many of the SUVs on the road today is unreasonable and should be greatly reduced. We also believe the potential solutions are economically and technologically feasible. Implementing those solutions will take strong leadership—leadership from this committee and strong leadership at the highest levels of NHTSA.

We applaud the bold and very refreshing approach taken by the new NHTSA Administrator, Jeffrey Runge. He is using the leadership of his office to express his informed views on the unreasonable risks associated with certain sport utility vehicles. In so doing, Dr. Runge, whose decades of work as an emergency room physician provided him ample exposure to automobile related injuries and deaths, has enhanced the fast-growing debate on SUVs by placing the public's safety at an appropriately high level. The all-important question remains: How far will Dr. Runge's approach go towards

improving the safety of SUVs, and will it occur in a timely manner? I will return to these questions in a few moments.

Consumer Union has long been concerned with the rollover propensity of SUVs, and in recent years with SUV aggressivity. In the November 2002 issue of *Consumer Reports*, in which we rated a group of full-sized SUVs, we offered our readers the following advice:

> There are good reasons not to buy a large, full-sized sport utility: They are gas gluttons, create excessive pollution, handle ponderously, and as a class SUVs tend to roll over more easily than passenger cars. Full-sized SUVs can be hard to park and difficult to climb into and out of. And higher, heavier SUVs inflict excessive damage to cars in collisions. For most people, there are better choices.

Consumer Reports does not dictate what consumers should buy. We recognize and believe that consumer choice is the cornerstone of our consumer marketplace. Indeed, to meet consumer demand for in-depth product information, we publish annually a special issue on light trucks—which includes SUVs, minivans, pickups, and even station wagons. Our advice, based on our own testing, on crash tests by NHTSA and IIHS, on injury statistics, on market research, and other published data makes clear in an objective manner the advantages and the disadvantages of SUVs. The facts speak for themselves: Too many SUVs get very poor gas mileage, produce greater air polluting emissions per mile traveled, roll over more easily than other classes of vehicles, have large blind spots, and inflict excessive damage on other vehicles in a crash.

These are not newly revealed facts. They have been written about and discussed for many years. A major problem has been that the corrective force in the marketplace, NHTSA, has not acted assertively to bring about the positive changes needed to protect the public. And it's not that consumers have not wanted safer vehicles. For example, a

December 2002 J. D. Power survey found that safety continues to be one of the top factors for consumers in the market for new cars. The J. D. Power survey found that nine of the top 10 most desired features are safety enhancing items, including features like vehicle stability control, external surround sensing, adaptive headlight systems, tire pressure monitoring gauges, anti-whiplash seats, and night vision systems topped the list.

FEDERAL ROLLOVER TESTS—TOO LONG IN COMING

CU's efforts since 1988 to get NHTSA to either develop a minimum stability standard for all vehicles or develop a dynamic rollover test for SUVs has been a long and frustrating struggle. Preventing rollovers is critical because though rollovers account for a small percentage of crashes overall, they are extremely dangerous when they occur, leading to a disproportionately large number of fatalities. SUVs have the highest rate of fatal crashes involving rollover.

According to NHTSA's 2000 report on vehicle fatalities, 9,882 people were killed as occupants in light vehicle rollover crashes, representing 31% of the occupants killed that year. Of those, 8,146 were killed in single-vehicle rollover crashes. SUVs, because they are tall vehicles and have a higher center of gravity than cars or minivans, are more prone to roll over. Statistics bear this out: in 1998, for example, while 10 % of cars and 10% of vans in single vehicle crashes rolled over, 18% of pickups and 27% of SUVs rolled over in single vehicle crashes. Some 36% of fatal SUV crashes involved rollovers, compared to only 15% in cars. According to NHTSA's 2000 fatality data, passenger vehicle deaths in rollover crashes declined slightly from 10,133 to 10,108 in 2000.

However, for occupants of sport utility vehicles, rollover deaths increased 2.8% from 1,898 in 1999 to 1951 in 2000.

CU's first experience with rollover began on our test track in 1988. While testing the emergency handling of a group of SUVs, the Suzuki Samurai tipped up suddenly and severely. Based on our repeated testing, including a second sample of the Samurai, we rated the Samurai Not Acceptable. Since 1988, we have evaluated the emergency handling of 134 SUVs, minivans, and pickup trucks and found several models that tipped up severely in those tests and were rated Not Acceptable: the 1995-96 Isuzu Trooper, the 1996 Acura SLX, and the 2001 Mitsubishi Montero Limited.[2] Several other SUVs were rated Poor in emergency handling: 1989 Ford Bronco II, the 1998 Chevrolet Blazer, the 2000 Toyota Landcruiser.

Based on our testing in 1988, we petitioned NHTSA to develop a minimum stability standard for all vehicles. NHTSA granted the petition in 1988 but ceased work in 1994, stating that setting a standard for vehicle stability would be too expensive because manufacturers would have to redesign their vehicles. Based on our testing in 1996, we petitioned NHTSA again, this time to develop a test for assessing the emergency handling and stability of SUVs, to test new models using such a test, and to make the results available to consumers. The agency granted that petition in 1997, but it ended up proposing not a dynamic test but rather the Static Stability Factor in 2000 as the measure for a vehicle's rollover resistance, much to our surprise and our disappointment.

[2] Isuzu and Suzuki raised legal challenges to CU's testing in the federal courts. A California federal jury found for CU in April 2000 and dismissed Isuzu's claims. As the prevailing party, CU was awarded its costs. Suzuki's suit has not yet gone to trial.

Which brings us to the critical role played by Congress. In response to the notorious Bridgestone/Firestone tire recall controversy, the TREAD act (Transportation Recall Enforcement, Accountability, and Documentation Act), spearheaded by this Commerce Committee, passed Congress unanimously in 2000. NHTSA was directed to develop a dynamic test for rollover, and based on what NHTSA proposed last November, we are optimistic that they have been put on the right track. We believe that consumers will be able to see rollover resistance ratings based on dynamic tests of SUVs and other vehicles sometime this year. This rating system at long last will enable consumers to make rational choices for the safety of their families. There is no question that Congress played the decisive role in bringing this about.

VEHICLE SIZE MATTERS

Largely fueled by extravagant industry advertising, consumers have come to believe they are safer in SUVs. Indeed, the automakers have continued to defend SUVs publicly by stating that a larger, heavier vehicle is safer for its occupants than the occupants of a smaller, lighter vehicle in a crash. They promote this message, despite the negative impact such larger vehicles may have on the occupants of smaller vehicles in a crash—and despite data indicating that motorists are not necessarily safer in SUVs than in cars. Researchers Marc Ross and Thomas Wenzel, at the request of the *Los Angeles Times,* just this month updated a survey they completed last March, finding that most mid-size and large cars are as good or better than the average SUV at protecting their own drivers, and much more protective of drivers than the average pickup. Further, Ross

and Wenzel found that SUVs have a higher combined risk than mid-size and large cars because of the inordinate damage they can inflict on other motorists in crashes.

Further, the impact of the automotive size race is already seen in highway death tolls, which have seen modest declines over the past 20 years but seem to be stuck at about 42,000 per year for the past decade, despite the ubiquity of safety features like air bags, seat belts, improved vehicle design in some cases, and aggressive anti-drunk driving efforts in the states. One cannot help but wonder how much lower the death rate would be if not for the greater aggressivity of SUVs and pickup trucks in multi-vehicle crashes.

We also fear that the worst is yet to come. Older, larger, more aggressive SUVs will soon be available on the second- and third-hand market in significant numbers, where younger drivers—less experienced drivers with inherently higher accident rates—will be able to afford them. One of the biggest SUVs on the road—the Ford Expedition—weighing 5300 pounds, sold new in 1997 for $27-33,000. Today, the same 5300 pound vehicle can be bought for a mere $9,000.

Researchers Tom Hollowell and Clark Gabler, in a report prepared for NHTSA and delivered at a conference of the Society of Automotive Engineers in 1997, found that SUVs were nearly three times as likely as cars to kill other drivers in a crash; they also found that when a car crashes into the side of another car, the driver of the struck car is 6.6 times as likely to die as the driver of the striking car. But when an SUV hits a car in the side, the driver of the struck car is 30 times as likely to die.

CU believes that when it comes to affecting other people's health and safety, none of us is completely free of responsibility. Just as we have decided as a society not to

permit smoking in most public buildings, workplaces, and restaurants because of the ill effects on the health of our neighbors, we shouldn't encourage consumers to drive vehicles that present unreasonable dangers to others.

Further, while every vehicle has blind spots, the problem is particularly severe behind pickup trucks and SUVs and poses increasing danger, especially to small children. While NHTSA should, but does not, keep these data on children injured or killed in and around cars, a nonprofit safety group in California, KIDS 'N CARS, does. It found that last year alone, a total of 58 small children were backed over and killed, most often by their own parent in their own driveway because they simply couldn't be seen.

CU's Auto Test Division recently measured the blind spots in trucks and SUVs using cones the size of an average two year old to test the extent of this problem. We found a 30-foot blind spot in back of pickup trucks, 14 feet in back of SUVs, compared to only 10 feet for cars. To address this growing safety problem, as the fleet becomes more dominated by SUVs and pickup trucks, we recommend that Congress direct NHTSA to test backover warning devices and require them within the next two years to be standard equipment in SUVs and pickup trucks. We think these devices will not only save lives but also untold millions of dollars in bumper and other property damage.

VEHICLE INCOMPATIBILITY AND ITS IMPLICATION FOR SAFETY

What special safety risks do SUVs pose to cars? As Hollowell and Gabler's research notes, the large differential in mass, stiffness, and geometry between cars and SUVs and pickup trucks results in greater injury to car occupants when they are hit by an

SUV or pickup truck. Simply put, heavier, stiffer vehicles with higher bumpers are a lethal menace to any passenger car they collide with.

According to a 1999 report from the Insurance Institute for Highway Safety (IIHS), for every million registered cars weighing 3500 to 3,999, 45 deaths occur in the other cars they collide with. For every million sport utility vehicles in the same weight class, 76 deaths occur in the cars they collide with. The corresponding rate for pickups is 87.

Front-to-side collisions between cars and sport utility vehicles or pickup trucks are among the most deadly because the sides of cars don't offer nearly enough protection against the high battering ram effect of an SUV or pickup truck. Moreover, car doors don't provide the same level of protection that is built into the crumple zone in the car's front end.

TO PROPERLY PROTECT PUBLIC SAFETY, NHTSA MUST LEAD

When Dr. Runge began speaking out on his safety concerns about SUVs, the Alliance of Automobile Manufacturers (AAM) and IIHS responded by meeting to discuss what might be done to address the growing problem of more SUVs on the road with their greater potential to injure or kill passengers in cars. After two days of meetings, the two groups wrote to Dr. Runge, saying that the greatest danger to vehicle occupants from incompatibility is in front-to-side crashes, and recommending that the highest priority, "in the short term," should be placed on enhancing "the protection for occupants inside the vehicles struck in the side. Enhanced head protection is one obvious way to improve self protection in side impacts."

The letter, in our opinion, sidesteps the major safety issue by stating that "possible changes to front and side structures to improve compatibility in front to side crashes also need to be explored. However, any specific recommendations on how to implement structural changes are likely to occur in the longer term."

With 20 million SUVs on the roads today, we agree that greater protection for vehicle occupants is critical. But we strongly disagree with the notion that structural changes to SUVs should take a back seat to adding protective safety features inside the struck vehicle, which is the gist of the IIHS/Alliance letter. The problem all along has been that the auto industry has paid too little attention to the safety of other motorists while they designed heavier, high stance SUVs. The approach proposed by IIHS and the Alliance places the lion's share of responsibility on passenger vehicle occupants to equip themselves with devices that protect from a side collision by a higher, heavier vehicle. This program in essence tells occupants of mid-size and small vehicles that they must worry about their own safety—and virtually all but removes responsibility from manufacturers of SUVs and pickup trucks to design more forgiving vehicles. We think this is one step forward—but two steps backward.

CU believes that NHTSA should have asked Congress for funding to develop compatibility crash tests between SUVs and cars in the mid-1990s, when it became clear that SUVs and pickup trucks were becoming tremendously popular with consumers. Unfortunately, no such test program emerged. Indeed, researchers for NHTSA and other organizations have been concerned about the growing impact of vehicle incompatibility for many years—first between large and small cars and more recently, between cars and

SUVs.[3] But it is not too late to start—consumers buy more than three million new SUVs each year.

Congress should direct NHTSA to develop these crash tests, and based on those results, NHTSA should begin to set standards to reduce safety risks posed by vehicle incompatibility and SUV and pickup truck aggressivity. The public's safety cannot rest upon industry self-regulation. Such efforts have not worked well in the past, and it is highly unlikely it will lead to significant changes now. These hazards have been recognized for several years, and little has been done by the industry. The levels of redesign and change needed to reduce the risks are significant—and not likely to flow voluntarily in such an environment. Rather, the situation needs an agency with authority and an unyielding determination to correct the problem—and a strong sense from Congress that anything less is not acceptable.

Based on NHTSA's track record over the last two decades, we have come to believe that the agency has too often had a blurred sense of mission. It was set up to protect the consumer, but it has been a reluctant watchdog. The Bridgestone/Firestone recall revealed all too clearly an agency that had long needed a strong sense of direction. In that instance, Congress responded with an unambiguous message in the TREAD Act. If not for Congress, there might never be dynamic tests for rollover resistance; if not for Congress, there might not be an upgraded federal tire standard; if not for Congress, there might not be an aggressive early warning system for possible defects at NHTSA; if not for Congress, there might not be an upgrading of child safety seats.

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[3] See Chillon, "The Importance of Vehicle Aggressiveness in the Case of a Transversal Impact," First International Conference on Enhanced Safety of Vehicles, 1971. Wolfe and Carsten, "Study of Car/Truck Crashes in the United States," Highway Safety Research Institute, University of Michigan, 1982, Monk and

We are encouraged by Dr. Runge's public commitment to safety, but we believe he needs help to bring about needed changes. I want to recall the chilling but all-too-true words of former NHTSA Administrator Ricardo Martinez. In a recent interview reported in The Wall Street Journal (February 7, 2003):

> "Any chief of the safety agency is "always outgunned, outmanned and outspent by the industry," says Ricardo Martinez, a NHTSA administrator during the Clinton administration and friend of Dr. Runge. "You've got the regulations and the bully pulpit, and you've got to use both."

In our opinion, Dr. Runge and the NHTSA staff need from you a strong unambiguous message about its consumer-focused mission and vigorous oversight on results. In the case of the serious risks posed by SUVs and pickups, we urge this committee to reject NHTSA's reliance on a voluntary approach by the industry.

We recommend the following specific actions:

RECOMMENDATIONS FOR REDUCING ROLLOVER RISKS:

- NHTSA's plan to conduct rigorous dynamic testing of SUVs and other vehicles and provide that information to consumers, as discussed above, will have a strong impact on SUV design. However, the agency will need additional resources to conduct the testing needed to make the program useful.
- CU's testing of collision avoidance or electronic stability control (ESC) in SUVs indicates that they are very effective in helping drivers to maintain vehicle control. These systems should be standard equipment in all SUVs.

Willke, "Striking Vehicle Aggressiveness Factors for Side Impact,"National Highway Traffic Safety Administration, 1986.

Their widespread use is virtually certain to result in fewer rollover-related deaths and injuries.

- Dynamic interior head air bag protection systems have also been shown to reduce occupant ejection during a crash. These systems should be standard on all SUVs to give occupants more side protection in a rollover and also prevent unbelted occupants from being ejected.
- NHTSA is currently reviewing comments for an updated standard on vehicle roof crush. This committee should urge the agency to speed it's work on that critical area; even belted drivers in SUV rollovers have been killed or gravely injured as a result of injuries to the spine from impact with poorly designed roofs.
- NHTSA should continue its research on improving seat belt usage in all vehicles especially in Pickups and SUVs.
- NHTSA should, as part of its rollover information testing, assess the handling capabilities of vehicles. In many cases today vehicle manufacturers equip their SUVs with tires that limit the lateral grip of the vehicle to reduce its instability. However, this compromises the normal handling of the vehicle and can lead to other non-rollover accidents. The handling test proposed by NHTSA would ensure that vehicles are designed to be stable and not "corrected" by fitting a specific low-lateral grip tires. When a consumer is at a tire dealer buying new tires they are not aware of the potentially disastrous consequences of buying the wrong type or size tire. Also the extensive advertising of larger wheels and tires that are likely to improve the lateral grip

intensifies the possible consequences. Many SUVs have specific tire types that are permitted, but few consumers are aware of. Many SUVs specify All Terrain type tires only.

RECOMMENDATIONS FOR REDUCING THE RISKS FROM VEHICLE INCOMPATIBILITY

- SUVs should be redesigned to provide lower bumpers and less rigid front frames so that they impart less of the crash energy to the vehicle they hit, and do so at a height that is more comparable to the crumple zones on sedans. Designers should aim for less aggressively designed vehicles, such as the "cross-over" vehicles emerging in today's market.
- Congress should direct NHTSA to develop crash tests to assess crash incompatibility, and NHTSA should begin to set standards to reduce vehicle incompatibility and SUV and pickup truck aggressivity.
- New passenger cars should be equipped with side and head air bags as standard equipment to protect them in a crash with a larger, higher and more aggressively designed vehicle.

RECOMMENDATIONS FOR PREVENTING BACKOVER INJURIES AND DEATHS

- Require NHTSA to begin keeping track of data regarding injury and death to children in and around motor vehicles

- Require NTHSA to test backup warning devices, set performance standards for these devices, and make them standard equipment on SUVs and pickup trucks in the next 2 years

Thank you for your attention, and we look forward to your questions.